

AFFIDAVIT OF Ex. 6 Personal Privacy (PP)

I, Ex. 6 Personal Privacy (PP) the undersigned, duly sworn, affirm under penalty of perjury that the subsequent is true and correct to the best of my knowledge and belief:

Background

1. My name is Ex. 6 Personal Privacy (PP) Black resident of the Ashurst Bar/Smith community in Tallassee, Alabama. I was born in 1952 and thereafter raised in this community.
2. I was employed by the U.S.D.A. Forest Service from 1975 – 2000 and retired from civil Service in 2010. Currently, I work as an Instructor of Forestry at the Tuskegee University Department of Agricultural and Environmental Sciences. I also am a pastor.
3. Ashurst Bar/Smith is an unincorporated community that is predominantly African American and is located at the southernmost tip of Tallapoosa County, Alabama and adjacent to the northern Macon County border.
4. I live at Ex. 6 Personal Privacy (PP) less than one mile from the Stone's Throw Landfill. I built the house that I live in in 2004 on the same land where I was raised. I have lived on this land all of my life except for the periods between 1973 and 1979 (6 years), and 1981 and 2000 (19 years) when I lived away for education and civil service employment. Even when I lived away during these periods, the property on Gleeden Drive remained in my family and I considered it my home.
5. I returned to the Ashurst Bar/Smith community in 2000 to help my parents, Ex. 6 Personal Privacy (PP) and joined them in their more than 10-year fight to defend my family's property and quality of life and that of other community members from continuing to be encroached on, devalued, and diminished by the Landfill. Indeed, my parents were among the earliest opponents to the Landfill in our community.
6. Our community has been actively fighting the intrusion of the Landfill since at least the mid-1980s.

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8. All of this land that my family lives on in the Ashurst Bar/Smith area has been in our family for generations. My great-grandfather first came to Tallassee from South Carolina in or about 1813 and later acquired about 600 acres of land through federal land grants for farmers. This land has passed down in our family ever since, and my siblings and I currently own about 145 acres.
9. The close connection that my family and ancestors had to this land has been negatively impacted by the operation and expansion of the Landfill.
10. This declaration supplements the information that I provided in a declaration dated November 15, 2016 that was submitted to the EPA as part of a now-closed investigation of a 2003 complaint involving the Landfill as well as, subsequently in support of ABSCO's October 12, 2018 complaint. That prior declaration includes true and accurate information about the Landfill's impact on me and other Black Ashurst Bar/Smith residents. This declaration augments that information.
11. All of the photographs discussed below in this statement document Landfill practices that adversely affect our community. Many demonstrate the Landfill's failure to adequately

cover waste after hours and on weekends, which contributes to strong odors affecting our quality of life.

12. Some of the photographs were taken when I incidentally drove by the Landfill. Others were taken when I specifically went to go look at the Landfill and document what was occurring. However, all the photographs were motivated by smelling the putrid odors emanating from the Landfill, witnessing uncovered trash, and seeing the significant increase of vultures in and around the Landfill and the community surrounding the Landfill.
13. While I photographed some specific instances of what I have observed, I have experienced the odor emanating from the Landfill and seen the vultures as well as inadequately covered trash many more times than I documented in these photographs.
14. A Google Earth Satellite Image documenting the locations where the photographs were taken is attached. (Exhibit 1) I have indicated on the image the approximate locations where to the best of my memory I took the photographs submitted by ABSCO in October, 2018.

2006 Photographs

15. In 2006 I had witnessed the Landfill leaving trash uncovered on the weekends and outside of operating hours and heard the same from other members of the community. I began observing the Landfill frequently and taking photographs of instances when trash was left uncovered on weekends and outside of operating hours on weekdays.
16. The photographs provided are not the only instances where there was uncovered trash on open cells in the Landfill on weekends or outside of operating hours. Due to the passage of time, it is difficult to retrieve all of the photographs taken of uncovered trash in 2006. Among other things, I have changed computers. Although I have tried to find old materials, I have only been able to find some of the photographs at this point.
17. While I had witnessed uncovered trash myself and heard the same from members of the community I was motivated to take the following photographs in 2006 because work in the Landfill had moved to a new cell that was not visible from Washington Blvd. and I was suspicious the trash was not being covered, so I sought permission from the Hutchinson family to take pictures from their land.
18. Photo DSC0005 (*see Exhibit 2*) was taken on Saturday October 7, 2006 at 11:40am. The photograph was taken at the northern border of the eastern portion of the Landfill (*see Exhibit 1*) using a Sony digital camera. The photograph was taken because I was aware that there was uncovered trash in the Landfill on weekend days, as demonstrated by the photograph, and wanted to document it.
19. Photo DSC0007 (*see Exhibit 3*) was taken on Saturday October 7, 2006 at 11:41am at the northern border of the eastern portion of the Landfill (*see Exhibit 1*) using a Sony digital camera. The photograph was taken because I was aware that there was uncovered trash in the Landfill on weekend days, as demonstrated by the photograph, and wanted to document it.
20. Photo DSC0013 (*see Exhibit 4*) was taken on Saturday October 7, 2006 at 12:05pm. The photo was taken at the northern border of the eastern portion of the Landfill (*see Exhibit 1*) using a Sony digital camera. The photograph was taken because I was aware that there was uncovered trash in the Landfill on weekend days, as demonstrated by the photograph, and wanted to document it.

21. After 2006 I no longer monitored the Landfill as regularly but I still drive by the Landfill when I am traveling in that direction for other reasons and observed the Landfill.

2016 Photographs

22. I took photographs in 2016 around the time I observed that the Landfill began to use tarps to cover the trash.
23. The introduction of tarps did not resolve the issue with uncovered trash. The trash was still left uncovered – sometimes completely and at other times partially. When the Landfill used tarps, the tarps had holes in them or were otherwise inadequate and often did not completely cover the trash.
24. The photographs provided are not the only instances when I have observed that the trash has been left uncovered or has been inadequately covered.
25. The photographs taken in 2016 document that the trash in the Landfill was left uncovered or was inadequately covered outside of operating hours on weekdays.
26. Photo DSC03380 (*see* Exhibit 5) was taken on Thursday March 17, 2016 at 6:07pm from Washington Blvd. (*see* Exhibit 1) from my truck window using a Sony digital camera. I went over to the Landfill to see if the trash had been left uncovered outside of operating hours on a weekday. When I observed that trash had been left uncovered outside of operating hours on a weekday, I documented it.
27. Photo DSC03381 (*see* Exhibit 6) was taken on Thursday March 17, 2016 at 6:07pm from Washington Blvd. slightly further down the road from where Photo DSC03380 was taken (*see* Exhibit 1) from my truck window using a Sony digital camera. This is a zoomed in photograph of Photo DSC03380 taken slightly further down the road.
28. Photo DSC03382 (*see* Exhibit 7) was taken on Thursday March 17, 2016 at 6:09pm from Washington Blvd. around the curve from where Photo DSC03381 was taken (*see* Exhibit 1) from my truck window using a Sony digital camera. You can see in Photo DSC03381 that the vegetation ends right near the curve in the road where this photo was taken. This photograph documents that the trash was left uncovered outside of operating hours on a weekday and also shows vultures on the uncovered trash.
29. Photo DSC03383 (*see* Exhibit 8) was taken on Thursday March 17, 2016 at 6:09pm from Washington Blvd. slightly further down the road from where Photo DSC03382 was taken (*see* Exhibit 1) from my truck window using a Sony digital camera. This photograph shows the trash left uncovered after operating hours on a weekday and vultures on the uncovered trash from a different viewpoint than Photo DSC03382.
30. The photograph labeled BuzzardsTarp3-17-16 (*see* Exhibit 9) was taken on Thursday March 17, 2016 at 6:09pm from Washington Blvd. (*see* Exhibit 1) using a Sony digital camera. This photo shows many vultures sitting on what is either inadequately covered or uncovered trash in the Landfill.
31. Photo DSC03389 (*see* Exhibit 10) was taken on Monday April 4, 2016 at 6:32pm from Washington Blvd (*see* Exhibit 1) using a Sony digital camera. This photograph was taken to demonstrate that the Landfill was not using the 6 inches of soil as required. It also demonstrates the challenges of using a tarp for trash coverage. The tarp is very small compared to the trash and is insufficient unless other tarps were put down and only if their edges overlapped and were sealed.
32. Photo DSC03390 (*see* Exhibit 11) was taken on Monday April 4, 2016 at 6:32pm from Washington Blvd slightly farther down the road from where Photo DSC03389 was taken,

(see Exhibit 1) using a Sony digital camera and is a zoomed in version of photo DSC00389.

33. Photo DSC03394 (see Exhibit 12) was taken on Monday April 4, 2016 at 7:04pm from Washington Blvd. slightly further down the road from where Photo DSC03390 was taken (see Exhibit 1) using a Sony digital camera. I came back later in the evening to see the status of the tarp coverage. I took this photograph to demonstrate that although there were multiple tarps covering the trash, the tarps have holes in them and all of the trash is not covered.
34. Photo DSC03395 (see Exhibit 13) was taken on Monday April 4, 2016 at 7:04pm from Washington Blvd (see Exhibit 1) using a Sony digital camera. This photograph is a zoomed in version of Photo DSC03394.

2018 Photographs

35. The most recent photographs, were taken in 2018 to demonstrate the inadequacy of the tarps used to cover the trash in the Landfill. What specifically brought my attention to the Landfill at this time was the terrible and overwhelming smell emitted by the Landfill and the large increase in vulture activity in the Landfill and surrounding areas.
36. The photographs provided are not the only instances when I have observed that the trash has been left uncovered or has been inadequately covered.
37. The photographs taken in 2018 document that the trash in the Landfill was left uncovered or was inadequately covered outside of operating hours on weekdays.
38. All of the photographs in 2018 were taken because to the best of my knowledge work had been completed at the end of the day or had not yet started in the morning at these times.
39. I stayed in my truck to take the photographs to avoid attention and harassment from the Landfill. I had reason to believe from previous experiences that if I had left my truck I would have been followed by Landfill workers and photographed.
40. The photo labeled Tarp 1 (see Exhibit 14) was taken on Thursday March 15, 2018 at 6:49pm from Washington Blvd. (see Exhibit 1) from my truck window using my Samsung phone. I came in the back way because I was heading home. This photograph demonstrates that the tarps are inadequately covering the trash and that garbage can be observed coming through the seams between the tarps.
41. The photo labeled Tarp 2 (see Exhibit 15) was taken on Thursday March 15, 2018 at 6:49pm from Washington Blvd. slightly further north from where the photo labeled Tarp 1 was taken (see Exhibit 1) from my truck window using my Samsung phone. This photograph demonstrates that the tarps are inadequately covering the trash and that garbage can be observed coming through the seams between the tarps.
42. The photo labeled WashBlvd7-11-18754PM (see Exhibit 16) was taken on Wednesday July 11, 2018 at 7:54pm from Washington Blvd. (see Exhibit 1) from my truck using my Samsung phone. I happened to be driving by the Landfill and saw that there was uncovered trash after operating hours so I documented it.
43. The photo labeled Gleeden7-11-18749AM (see Exhibit 17) was taken on Wednesday July 11, 2018 at 7:49pm on Gleeden Drive near my home (see Exhibit 1) with my Samsung phone after operating hours. I had witnessed work being done on this section of the Landfill and wanted to see if the Landfill was leaving trash uncovered. When I saw that it was I photographed the Landfill from that location. It is my understanding that this cell was in the process of being closed and was closed soon thereafter.

44. The photo labeled WashBlvd7-12-187:12AM (*see* Exhibit 18) was taken on Thursday July 12, 2018 at 7:12am on [Ex. 6 Personal Privacy (PP)] near my home (*see* Exhibit 1), using my Samsung Phone. Please note the metadata for this image includes a GPS location of

[Ex. 6 Personal Privacy (PP)] I had witnessed work being done on this section of the Landfill and wanted to see if the Landfill was leaving trash uncovered. When I saw that it was I photographed the Landfill from that location. It is my understanding that this cell was in the process of being closed and was closed soon thereafter.

45. The photo labeled Gleeden7-13-186:12AM (*see* Exhibit 19) was taken on Friday July 13, 2018 at 6:12am on [Ex. 6 Personal Privacy (PP)] near my home (*see* Exhibit 1) using my Samsung phone. Please note the metadata for this image includes a GPS location of [Ex. 6 Personal Privacy (PP)]

[Ex. 6 Personal Privacy (PP)] I had witnessed work being done on this section of the Landfill and wanted to see if the trash was being left uncovered and when I saw that it was I photographed it. I would like to note that this cell was in the process of being closed and was closed one or two days later.

46. All of the photographs provided demonstrate the Landfill's failure to adequately cover the trash in the Landfill, if the Landfill covers the trash at all on a given date, and disregard of permit requirements.
47. The Landfill practices change over time and it is my observation that the Landfill has done a better job of covering the garbage when there is outside attention, for example as a result of the lawsuit filed about ABSCO's civil rights complaint and we received press attention. After time, though, the Landfill reverts to old practices and the trash is inadequately covered again.
48. Based on these experiences over time, I have reason to believe that absent outside intervention from ADEM, including stricter permit requirements, the Landfill will continue practices that inadequately cover waste after hours and on weekends, leading to greater odor and other impacts on the Ashurst Bar/Smith community.

Executed on 19 day of November, 2018.

[Ex. 6 Personal Privacy (PP)]

THE STATE OF ALABAMA

Macon, COUNTY

I, the Undersigned, a Notary Public, hereby certify that Ex. 6 Personal Privacy (PP)
whose name is signed to the foregoing instrument or conveyance, and who is known to me,
acknowledged before me on this day that, being informed of the contents of the conveyance, he
executed the same voluntarily on the day the same bears date.

Given under my hand this 19th day of November, A.D. 2018.



Notary PublicPrint: Gennie TysonMy commission expires: 07/20/2021